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Message Text

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11
ACTION SCI-06

INFO OCT-01 ARA-16 ISO-00 AID-20 CEQ-02 CIAE-00 COA-02

COME-00 DODE-00 EB-11 EPA-04 INR-10 IO-14 L-03 NSF-04

NSC-07 NSAE-00 PM-07 RSC-01 SS-20 SPC-03 FEA-02 INT-08

DRC-01 /142 W
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R 222119Z MAR 74
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 754

C O N F I D E N T I A L MEXICO 2458

E.O. 11652: GDS
TAGS: PBOR, SENV, MX, US
SUBJECT: BILATERAL ENVIRONMENTAL TALKS

REFS: A. STATE 32030 B. MEXICO 1773 C. STATE 244165, DEC
13 1973

1. FOLLOWING RECEIPT OF REFTEL A, EMBASSY RAISED ON SEVERAL OCCASIONS WITH FOREIGN SECRETARIAT (LUIS CABRERA, DIRECTOR GENERAL, OFFICE OF BOUNDARIES AND INTERNATIONAL WATERS) AND WITH UNDER SECRETARIAT FOR ENVIRONMENTAL IMPROVEMENT (SMA) QUESTION OF ACKNOWLEDGING CONCLUSIONS REACHED DURING DECEMBER MEETING ON BORDER ENVIRONMENTAL PROBLEMS. AT DECEMBER MEETING, IT WAS VERBALLY AGREED THAT FOREIGN SECRETARIAT, UPON RECEIPT OF CONCLUSIONS FROM SMA, WOULD INDICATE COGNIZANCE OF THESE CONCLUSIONS AND ACQUIESCENSE IN CONTINUING TALKS VIA NOTE TO EMBASSY.

2. CABRERA HAS CONSISTENTLY SOUGHT TO EVADE FOREIGN SECRETARIAT COMPLIANCE WITH CLEAR UNDERSTANDING THAT GOM WOULD INITIATE EXCHANGE OF NOTES REFERRED TO ABOVE. IN CONVERSATION WITH EMBOFF, HE ACKNOWLEDGED COMMITMENT TO THIS EFFECT BUT ARGUED, NEVERTHELESS, THAT IT WOULD BE PREFERABLE FOR USG TO INITIATE NOTE EXCHANGE.
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3. ON MARCH 8, SCI COUNSELOR RAISED ISSUE WITH FONSEC UNDERSECRETARY GALLASTEGUI. LATTER AGREED TO PROVIDE EMBASSY WITH COPY OF LETTER FROM FONSEC TO VIZCAINO MURRAY OF SMA INDICATING THAT FONSEC HAD NO OBJECTIONS TO CONTINUING ENVIRONMENTAL TALKS. HE FURTHER AGREED TO DISCUSS WITH CABRERA AND LATTER'S SUPERIOR, AMBASSADOR ROSENZWEIG-DIAZ, QUESTION OF EXCHANGE OF NOTES. GALLLASTEGUI LATER INDICATED TO EMBOFF THAT HE HAD CONSULTED AS PROMISED, AND THAT THERE WAS NO DIFFICULTY CONCERNING NOTE WHICH WOULD BE FORTH-COMING.

4. WHEN NOTE NOT RECEIVED BY MARCH 20, POL COUNSELOR RAISED SUBJECT AGAIN IN MEETING WITH GALLASTEGUI. SURPRISINGLY, ROSENZWEIG-DIAZ, WHO WAS PRESENT AT MEETING, FLATLY DENIED THAT THERE HAD BEEN AGREEMENT THAT GOM WOULD INITIATE NOTE AS INDICATED ABOVE. DESPITE POL COUNSELOR'S INSISTENCE, ROSENZWEIG REMAINED ADAMANT IN HIS DENIAL AND GALLASTEGUI BY HIS SILENCE SUPPORTED DENIAL. LATTER DID, HOWEVER, PRODUCE FONSEC LETTER TO SMA (PARA 3 ABOVE) WHITH STATES, IN PERTINENT PART: "THE SECRETARIAT OF FOREIGN RELATIOONS...IS IN AGREEMENT THAT THE EXCHANGES OF INFORMATION RECOMMENDED BY THE EXPERTS IN THE ABOVE-MENTIONED DOCUMENT SHOULD CONTINUE: (THE DOCUMENT), YOU INFORM ME, HAS BEEN SIMILARLY APPROVED BY THE U.S. DEPARTMENT OF STATE."

5. AS THE DEPARTMENT IS AWARE, THE FOREIGN SECRETARIAT HAS FROM THE OUTSET VIEWED THE ENVIRONMENTAL MEETINGS WITH AN ATTITUDE RANGING FROM RELUCTANT ACQUIESCENCE TO OUTRIGHT OPPOSITION. SOME PRESSURE WAS NECESSARY TO PERSUADE THE FONSEC EVEN TO SEND A REPRESENTATIVE (CABRERA) TO THE DECEMBER MEETING. FONSEC OPPOSITION TO THESE TALKS SEEMS TO STEM FROM A FEAR THAT GOM WILL AT SOME POINT BE "TRAPPED" INTO A PROGRAM COMMITMENT REQUIRING ALLOCATION OF RESOURCES. THERE MAY ALSO BE AN ELEMENT OF INTER-AGENCY RIVALRY. CABRERA, FOR EXAMPLE, HAS ARGUED THAT ANY CONSIDERATION OF ENVIRONMENTAL PROBLEMS ALONG THE BORDER, ESPECIALLY IN REGARD TO WATER QUALITY, IS WELL WITHIN THE PURVIEW OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION AND SHOULD TAKE PLACE WITHIN THE JOINT
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COMMISSION. IN THE MARCH 20 CONVERSATION (PARA 4), ROSENZWEIG EXPRESSED BLUNTLY THE FONSEC DETERMINATION NOT TO GIVE ITS "BLESSING" TO THE ENVIRONMENTAL TALKS THROUGH AN EXCHANGE OF NOTES WHICH COULD, HE FEARED, SERVE AS AN "UMBRELLA" TO EVENTUAL COMMITMENTS. HE FURTHER SAID THE FONSEC OPPOSED SENDING A NOTE WHICH WOULD IMPLY FONSEC "CONTROL" OF THE TALKS AND THEIR POSSIBLE RESULTS; THE FONSEC DOES NOT WANT TO EXERCISE SUCH CONTROL. GALLASTEGUI

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RECALLED AT THIS POINT THE FIRM UNDERSTANDING BETWEEN THE FOREIGN SECRETARIAT AND THE EMBASSY THAT ANY BILATERAL AGREEMENT OR UNDERSTANDING, EVEN IF BETWEEN USG AND GOM AGENCIES, MUST BE CHANNELED THROUGH THE FOREIGN SECRETARIAT. FINALLY, ROSENZWEIG SAID THE FONSEC SAW NO NEED FOR AN EXCHANGE OF NOTES. IF THE USG SAW A NEED, THEN IT SHOULD INITIATE THE EXCHANGE; THE FONSEC WOULD "CONSIDER" AN EMBASSY NOTE, IF ONE WAS SENT.

6. IT IS HARD TO VIEW THE FOREGOING AS OTHER THAN A DEMONSTRATION OF FLAGRANT BAD FAITH ON THE PART OF FONSEC OFFICIALS INVOLVED. CLEARLY, THE PROBLEM HERE IS NOT A PROTOCOLARY NICETY OF WHO INITIATES THE EXCHANGE OF NOTES, BUT RATHER THE COMPLETE UNWILLINGNESS OF THE FONSEC TO (A) COMPLY WITH A VERBAL COMMITMENT AND (B) "BLESS" IN ANY OFFICIAL COMMUNICATION TO THE USG THE CONTINUATION OF THE ENVIRONMENTAL TALKS.

7. THE EMBASSY SUGGESTS THE FOLLOWING ALTERNATIVES FOR CONSIDERATION BY THE DEPARTMENT AND INTERESTED AGENCIES. (A) PLANS FOR THE NEXT SERIES OF TALKS MIGHT GO FORWARD WITHOUT THE EXCHANGE OF NOTES DISCUSSED ABOVE. IF THIS IS DONE, USG SHOULD HAVE NO ILLUSIONS THAT TALKS WILL HAVE MUCH CHANCE OF LEADING TO ACTION PROGRAMS IN THE FORESEEABLE FUTURE, GIVEN THE ATTITUDE OF THE FOREIGN SECRETARIAT. (AS WILL BE RECALLED, THE FOREIGN SECRETARIAT REQUESTED, AND RECEIVED, ASSURANCES PRIOR TO THE DECEMBER MEETINGS THAT THERE WERE NO PROGRAM IMPLICATIONS; THIS IS FURTHER SPECIFIED IN THE JOINT PRESS RELEASE AGREED TO AT THE CONCLUSION OF THOSE TALKS.)

(B) EMBASSY MIGHT INITIATE NOTE TO FONSEC (PARA 5 ABOVE). GIVEN ROSENZWEIG'S COMMENTS, EMBASSY DOUBTS THAT FONSEC
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WOULD REPLY. AT BEST, EMBASSY WOULD EXPECT LONG DELAY (AS IN RECENT CASE, WHEN FONSEC REPLIED TO EMBASSY NOTE OF AUGUST 31, 1973, ON MARCH 1, 1974). EMBASSY FURTHER CONSIDERS THAT USG INITIATIVE WOULD BE BAD TACTIC AND UNDIGNIFIED, IN LIGHT OF FONSEC RENEGING ON PREVIOUS UNDERSTANDING.

(C) AS A RESULT OF FONSEC DECISION NOT TO SEND NOTE, USG MIGHT ABANDON PLANS FOR EARLY RENEWAL OF ENVIRONMENTAL TALKS AND INSTRUCT EMBASSY TO SO INFORM FONSEC AND SMA. THIS COURSE MIGHT GENERATE PRESSURE WITHIN GOM TO FORCE A MORE FORTHCOMING ATTITUDE ON PART OF FONSEC.

8. REQUEST DEPARTMENT'S GUIDANCE.
JOVA

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